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By: _____

Susan J. Johnson

PATENT
EXTREMELY URGENT
Docket No.: 011823-004920US
Client Ref. No.: PDL0049-20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

J. YUN TSO

Application No.: 09/618,380

Filed: July 18, 2000

For: HUMANIZED ANTIBODIES
AGAINST CD3

Confirmation No.: 9002

Examiner: L. Helms

Art Unit: 1642

COMMUNICATION RE
PREVIOUSLY FILED
DOCUMENTS --
EXTREMELY URGENT:
ISSUE DATE MAY 29, 2007

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is a copy of a petition under 37 CFR §1.313(c) to withdraw from issuance, with accompanying documents. The petition was originally filed May 2, 2007. Because the petition was not originally filed to the correct mail stop number and because of the imminence of the issue date, applicants are providing an additional copy to speed consideration. A copy of the issue notification is attached.

Please do not duplicate fees charged.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at .650/326-2400.

J. YUN TSO
Application No.: 09/618,380
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PATENT

Respectfully submitted,



Joe Liebeschuetz
Reg. No. 37,505

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61050024 v1



COPY

DAC/RCE\$

PTO/SB/30 (07-06)

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/618,380
Filing Date	July 18, 2000
First Named Inventor	TSO, J. YUN
Art Unit	1642
Examiner Name	L. Helms
Attorney Docket Number	011823-004920US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☒ Supplemental Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other Petition to Withdraw from Issue Under 37 CFR 1.313c
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 20-1430. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e) \$ _____
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) \$ _____
- iii. ☐ Other _____ \$ _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed) for \$ _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	May 2, 2007
Name (Print /Type)	Joe Liebeschuetz	Registration No.	37,505

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	May 2, 2007
Name (Print /Type)	Susan J. Johnson		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,380	05/29/2007	7223843	11823-004920US	9002

7590 05/09/2007
TOWNSEND AND TOWNSEND AND CREW
ATTN: JOSEPH LIEBESCHUETZ
379 LYTTON AVENUE
PALO ALTO, CA 94301-1431

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 266 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

GEORGE WEINER, IOWA CITY, IA;
ROGER GINGRICH, IOWA CITY, IA;
BRIAN K. LINK, CORALVILLE, IA;
Y. YUN TSO, MENLO PARK, CA;



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On May 2, 2007

TOWNSEND and TOWNSEND and CREW LLP

By: Susan J. Johnson
Susan J. Johnson

PATENT
Docket No.: 011823-004920US
Client Ref. No.: PDL0049-20

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

J. YUN TSO

Application No.: 09/618,380

Filed: July 18, 2000

For: HUMANIZED ANTIBODIES
AGAINST CD3

Confirmation No.:

Examiner: L. Helms

Art Unit: 1642

PETITION TO WITHDRAW
FROM ISSUE UNDER
37 C.F.R. § 1.313(c)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.313(c), Applicant petitions the Commissioner for Patents to withdraw the above-referenced application from issue after payment of the issue fee to permit consideration of a Request for Continued Examination under § 1.114.

Errors in the Sequence Listing were brought to the Applicant's attention after submission of the Petition To Withdraw Holding Of Abandonment Under 37 C.F.R. § 1.181(a) submitted February 18, 2005. These sequence errors differ from those corrected in the substitute sequence listing submitted February 18, 2005. Applicant now submits a substitute sequence listing (the fifth substitute sequence listing filed for this application) and preliminary amendment to correct the typographical errors in the prior filed sequence listing. Applicant also submits an

J. YUN TSO
Application No.: 09/618,380
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PATENT

Application Data Sheet (ADS) correcting the priority claim for the application in light of the subject matter of the allowed claims, and the assignment information based on data for the application recorded on Reel 017655, Frame 0436 by the USPTO Assignment Division on May 22, 2006. A supplemental IDS is also being filed.

The petition fee as set forth in 37 C.F.R. 1.17(h) is enclosed. The USPTO is hereby authorized to charge any fee deficiency, or credit any overpayment to Deposit Account 20-1430 referencing Attorney Docket No. 011823-004920US. A duplicate copy of this petition is enclosed for this purpose.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 326-2400.

Respectfully submitted,



Joe Liebeschuetz
Reg. No. 37,505

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